

REMARKS

Claim Rejections under 35 USC 112

Objections were raised to the use of the term “the sides” without providing proper antecedent basis. The use of “the sides” was a typo and the correct term that should have been used was said rigidifying members, which has proper antecedent basis.

Claim Rejections under 35 USC 102 & 103

a.) Rejection of claims 11, 14, 16 and 19 under 35 USC 102 (b) as being anticipated by Johnson.

Applicant notes that Johnson has a permanently attached bottom panel 55 Fig. 5 that has attached to it rollers 69 et al. and column 6 line 53 to column 7 line 4. On the other hand Applicant has a complete set of removable panel Applicants’ invention is compactable for storage and transportation. Applicant’s claims 11 and 16 have been amended to reflect this change. Since claims 14 and 19 depend on claim 11 and 16 respectively they incorporate the changes made to 11 and 16.

b.) Rejection of claims 11, 12, 16 and 17 under 35 USC 102 (b)

Applicant notes that Weiner has a semi-rigid support frame in that the lid 13 and bottom 14 are made of the inserts 21 that are insert able into the sides. Additionally, Weiner includes wire in the beading 15 of the base and lid 16 to provide a semi-rigid

frame, column 2 lines 37 to 48. Weiner does not teach or suggest the removal of all of the inserts and providing flexible fouling walls on all corners. Applicant's claims 11 and 16 have been amended to reflect this change. Since claims 12, 14 and 19 depend on claim 11 and 16 respectively they incorporate the changes made to 11 and 16.

c.) Rejection of claims 1, 2, 5, 15 and 20 under 35 USC 103 (a) as being unpatentable over Johnson '818 in view of Sher (Actually Sadow US patent 4,781,278).

The arguments set forth at a.) regarding Johnson are referred to in support of Applicants position herein. Claim 1 has been amended to further distinguish it and its dependent claims from Johnson. Additionally, Sadow discloses a multi-compartmented case that has peripheral stiffening frame that appears to be formed by embedded wire 48 and corner fastener pieces 42 and 44 Fig. 5 and line 55 column 3 to line 31. All the inserts appear to be for is to allow the compartments to be folded into the center or unfolded. Thus, not only does Sadow not teach or suggest Applicant's invention it teaches away from it.

d.) Rejection of claim 3 under 35 USC 103 (a) as being unpatentable over the references over Johnson '818 in view of Sher (Sadow) and in further view of Lichtwardt et al.

Applicant repeats the arguments set forth above at a.) and c.) above. Additionally, it noted that Lichtwadt et al. appears to disclose a container made of single sheet of relatively rigid plastic that is folded along various lines to allow the container to fold in on it self along the fold lines with the sides remaining rigid. Thus, it would not have been obvious to combine the references a cited since combining them would have

destroyed the objects of each.

e.) Rejection of claim 4 under 35 USC 103 (a) as being unpatentable over the references over Johnson '818 in view of Sher and in further view of Lichtwardt et al. and further view of Simonett et al.

Applicant repeats and realleges the arguments set forth at a.), c.) and d.) above.

f.) Rejection of claim 6 under 35 USC 103 (a) as being unpatentable over Johnson '818 in view of Sher (Sadow) and further view of Hurwitz.

In reply the Applicant repeats the arguments set forth above a.) and c.).

g. Rejection of claims 13 and 18 under 35 USC 103 (a) a being unpatentable over either Johnson '818 or Weiner in further view of Pelky et al.

Applicant repeats the arguments set forth above at a.) and b.). It is noted that claims 1 and 16 on which 13 and 18 respectively depend have been amended as noted above. Additionally, Pleky et al. discloses a portfolio case for carrying documents and is in the shape of a brief case for carrying documents. Consequently, it argued that Pelky et al. in fact teaches away from the cited references and it would not be obvious to combine the same with Pelky et al.

h. Rejection of claim 21 under 35 USC 103 (a) as being unpatentable over Wisniseka in view of Lichtwardt et al.

Applicant traverses this rejection and notes that Lichtwardt et al. discloses a device made out of a single sheet of foldable plastic wherein the plastic when folded along the specified lines allows the device to folded into a compact flat shape see Fig. 2. However, Lichtwardt indicates that the panels 11 and 12 etc. remain stiff and rigid with the panels only giving at the fold lines. Thus, it would not have been obvious to combine Lichtwardt et al. and Wiseniewska.

i. Rejection of claim 22 under 35 USC 103 (a) over Wisniseka in view of Lichtbardt et al. and further view Simonett et al.

Repeats the arguments set forth at h.) above.

#### Conclusion

Applicant appreciates Examiners consideration of the pending applicant and based on the foregoing arguments respectfully requests reconsideration and allowance of the pending claims.

If there are any questions regarding this matter, or if it is felt that a telephone conversation can resolve any issues the undersigned would appreciate a call at the telephone number indicated below.

Respectfully submitted,

*Randall L Reed*

Randall L. Reed

Reg. # 31,559  
39 Encantado Canyon  
Rancho Santa Margarita, CA 92688  
Phone: (949) 633-4013

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